

**Patents  
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**TO** : Examiner Blane J. Jackson, Examiner Nguyen T. Vo, Supervisor Edward Urban  
**OF** : United States Patent and Trademark Office  
**FAX NO.** : 703-872-9306                           **PHONE NO.:** 571-272-7890  
**YOUR REF.** : 10/038,939

**DATE** : April 25, 2005  
**FROM** : Connie Bursey, Legal Assistant

MESSAGE

Please see the attached letter addressing an error in attorney of record.

This facsimile transmission will contain 4 pages, including this cover sheet. Please call Connie Bursey at (303) 740-9000 if you experience difficulties receiving any portion of this transmission.

**CONFIDENTIALITY NOTICE**

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Attn: Examiner Blane J. Jackson  
Examiner Nguyen T. Vo  
Edward Urban, Supervisor

**Via Facsimile and First Class Mail**  
703-872-9306

United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Application No. 10/038,939  
Applicant: Robert M. Fitzgerald

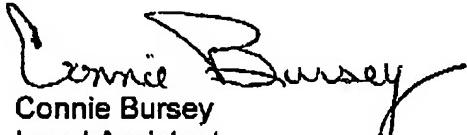
Gentlemen:

Returned to you herewith is a Final Office Action, dated April 20, 2005, which we recently received for the above-referenced matter. John R. Ley is not the attorney for this matter. This document has been mailed to Mr. Ley in error.

It would be very much appreciated if the Patent Office would correct the correspondence address for this particular matter by deleting Mr. Ley's name and address.

Thank you for your prompt attention to this error.

Sincerely,



Connie Bursey  
Legal Assistant  
Connie@LeyIPLaw.com

Enclosure

cc: John R. Ley, Esq.

APR 25 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,939	01/04/2002	Robert M. Fitzgerald	13965-043	8500
28785	7590	04/20/2005		<b>EXAMINER</b>
JOHN R LEY, LCC 5299 DTC BLVD, SUITE 610 GREENWOOD VILLAGE, CO 80111				JACKSON, BLANE J
			<b>ART UNIT</b>	<b>PAPER NUMBER</b>
			2685	
DATE MAILED: 04/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 25 2005

JOHN R. LEY, L.L.C.

**BEST AVAILABLE COPY**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/038,939	FITZGERALD, ROBERT M.	
	Blane J Jackson	Art Unit 2685	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_